

ATTACHMENT 3 - Applicant Proffer Statement

Rezoning Application # RZ 03-C-04 Pin # 6995-21-1875-000

September 4, 2003

Pursuant to Section 15.2-2298, Code of Virginia, 1950 as amended, Fred Hufnagel, Executor for the Estate of Margaret Raymond, the owners, and Landmark Property Development, LLC (hereinafter collectively referred to as "Applicant") for themselves, their successors and assignees in Rezoning application number RZ 03-04 filed for property identified as Pin Number 6995-21-1875-000 in the Center District (hereinafter referred to as the "Application Property", proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PRD District for 64 single family lots.

1. Concept Development Plan:

Development of the Application Property shall be in substantial conformance with the Concept Development Plan (CDP) prepared by Charles P. Johnson & Associates dated August 28, 2002 and Rezoning Plat dated August 28, 2002 and amended through September 4, 2003. Internal and frontage improvements to the property will be constructed in substantial conformance to the CDP.

2. Minor Deviations:

Minor modifications from the CDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the right to make minor adjustments to the internal lot lines of the proposed lots at the time of Subdivision Plat submission based upon final house locations and building footprints provided such changes are in accordance with the CDP, and do not increase the number of units or decrease the amount of open space, peripheral setbacks, access or parking spaces, without requiring approval of Staff.

3. Pond:

The existing pond along Lee Highway as shown on the Development Plan will be conveyed to the Board of Supervisors as park land, said land shown as the Parcel A dedication as shown in the CDP. The dedication shall be subject to acceptance by the Board of Supervisors. The pond will be revitalized a circulating pump and spout for the purpose of providing aeration will be installed. The pond will retain a permanent pool of water and may be used as a BMP/SWM for the overall project. The Applicant agrees to conduct a dam safety analysis and make appropriate corrections to the structure to meet current standards. In the event that the existing pond cannot be used for the SWM, the Applicant reserves the right to install a BMP/SWM elsewhere on Parcel A at a location agreeable to the Applicant and the County.

4. Park Entry Feature:

Two brick columns 30 inches by 30 inches, 5 feet in height with a capstone will be constructed on either side of the existing farm house driveway to serve as a Park entry feature. The material/color and placement will be subject to the Park Board review and approval.

5. Existing House:

The existing house and outbuildings as shown on the Development Plan will be dedicated to the Fauquier County Board of Supervisors as part of the park land, Parcel A dedication. The dedication shall be subject to acceptance by the Board of Supervisors, after the receipt of a Phase 1 Environmental Audit acceptable to the County. The audit cost shall be borne by the County. The tree lined drive on Parcel A from Dumfries Rd to the existing House will be preserved. On site construction for drain fields will ensure that proper protection measures are taken to avoid adverse affects to these trees wherever possible.

6. Contribution for Farm House Renovation

At the time of Parcel A dedication to the Fauquier County Board of Supervisors, and predicated upon the Fauquier County Board of Supervisors action to accept development option A, composed of a 64 single family lot layout, \$5,000 will be given to the Board of Supervisors for use by the Park Board for any Parcel A on site purpose that the Park Board chooses. However, should the Fauquier County Board of Supervisors chose to adopt development option B, composed of 66 single family lots, \$105,000 will be given to the Fauquier County Board of Supervisors for use by the Park Board for any Parcel A on site purpose that the Park Board chooses at the time of dedication of Parcel A to the Fauquier County Board of Supervisors.

7. Small Sewage Treatment System

A small sewage treatment system composed of a treatment plant, collector lines and drain fields will be constructed by the Applicant, successors or assigns. The treatment plant will be designed for 64 (development option A layout) single family homes or 66 (development option B layout) single-family homes and for the use of the existing farmhouse and caretakers cottage as a public recreational use by Fauquier County, resulting in 66 (development option A) or 68 (development option B) taps in total.

The facility will be constructed on parcel A at the approximate location shown on the GDP. The plant will be built inside of a structure, the architecture of which will be made to resemble a horse barn. Access will be from the existing farmhouse driveway. The drain field and drain field reserve area will be constructed on parcels A & A1 and will be deeded to the Fauquier County Water and Sewer Authority (FCWA) or the Board of Supervisors whichever entity chooses to own the land & system. The System (Plant and collection lines) will be deeded to the FCWA or the Board of Supervisors.

8. Park Area Dedication, Parcel A

Parcel A on the CDP will be deeded to the Fauquier County Board of Supervisors and the Fauquier County Water and Sanitation Authority for park area and use for the wastewater treatment facility and as drain fields at time of final Plat approval. The use of the park for either active or passive recreation will be determined by Fauquier County at a future time. The Applicant commits to install the pathway system as shown on the CDP. The land and facilities will be owned and maintained by Fauquier County (except as noted in the Home Owners Responsibilities, Proffer # 12). The SWM facility may be co-located within the existing pond or as a separate facility within this area.

A soft tree buffer composed of evergreen trees 15 feet on center will be planted in the approximate location as shown on the GDP to provide winter foliage buffering between the new home development and the Parcel A open space area from Dumfries Rd to the existing neighborhood along Highmeadow Place. A second tree buffer composed of evergreen trees 15 feet on center will be planted by the Applicant along the commercially zoned (Automobile Sales and Service) land south of the existing pond.

9. Landscaping and setback.

The entrance road to the project will be constructed as a boulevard, landscaped on the center island and both sides (Subject to VDOT). The project frontage on Dumfries Rd. will retain its existing tree line except for supplemental landscaping along the single-family lot area parcels, 4,5,12,13,60,61) as shown on the Development Plan. The balance of the frontage will remain in its natural state. Approximately 100 feet or greater is the proposed setback for all lots from the surrounding neighborhoods. The intervening area between the new lots and existing lots is designated as Parcel B.

10. Community Gazebo

A wooden community Gazebo 20 feet in diameter and painted to match the color scheme of the new homes will be constructed on parcel E. The Gazebo will be designed to be a functioning central gathering place for this development. It is strategically located directly across from the Parcel A open space area that connects to the entry boulevard. The area along the central entry street directly in front of the gazebo will continue the street scape of trees and shrubs but will also be heavily landscaped with flowering shrubs and flowers.

11. Sidewalks.

All sidewalks will be 5 feet in width except for a 6 foot wide sidewalk to be constructed along the west side of the entry boulevard from Dumfries Rd to the Parcel A trail running from the entry street to the farm house. The trail constructed by the Applicant shall have a width of 6 feet from its connection with the entry boulevard and 10 feet in width from the farmhouse to the commercially zoned property as depicted on the CDP. The trail construction design shall be subject to parks and Recreation Department standards,

review and approval. The trail will be constructed no later than at the issuance of the 10th residential building permit.

12. Homeowners Association & Responsibilities.

A Homeowners Association will be established to provide for Management and Maintenance of 1) the supplemental landscaping along the Dumfries Rd. and the entry boulevard, 2) the common property [HOA owned and maintained Parcels B,C,D& E], 3) gazebo and 4) the SWM facility (s). The HOA documents will be submitted to the Fauquier County Attorney for review.

13. Right Of Way.

Site frontage along Dumfries Rd. Rt. 605 and Lee Highway Rt. 29-15 will be dedicated to VDOT as required at time of Final Plat approval. All attempts will be made to save the trees along Dumfries Rd subject to VDOT approval.

14. Buffer Area Parcel B.

The private HOA owned buffer area, (Parcel B) as shown on the development plan is to remain as open space and no construction of recreation facilities or other of uses except for SWM Facilities (unless required by Fauquier County) will be permitted within this buffer/setback area which adjoins residentially zoned and developed areas.

LANDMARK PROPERTY
DEVELOPMENT LLC:

Scott Herrick, Managing Member

PROPERTY OWNER:

Fred Hufnagel, Executor,
Estate of Margaret Raymond